

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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TRAVELERS CASUALTY AND SURETY COMPANY as  
Administrator for RELIANCE INSURANCE COMPANY,

Plaintiff,

vs.

DORMITORY AUTHORITY – STATE OF NEW YORK,  
TDX CONSTRUCTION CORP. and KOHN PEDERSEN  
FOX ASSOCIATES, P.C.,

Defendants.

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DORMITORY AUTHORITY OF THE STATE OF NEW YORK  
AND TDX CONSTRUCTION CORP.,

Third-Party Plaintiffs,

vs.

TRATAROS CONSTRUCTION, INC.,

Third-Party Defendant.

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TRATAROS CONSTRUCTION, INC. and TRAVELERS  
CASUALTY AND SURETY COMPANY, :

:

Fourth-Party Plaintiffs

vs.

CAROLINA CASUALTY INSURANCE COMPANY; BARTEC  
INDUSTRIES, INC.; DAYTON SUPERIOR SPECIALTY :  
CHEMICAL CORP. a/k/a DAYTON SUPERIOR CORPORATION:  
SPECIALTY CONSTRUCTION BRANDS, INC. t/a TEC; :  
KEMPER CASUALTY INSURANCE COMPANY d/b/a KEMPER:  
INSURANCE COMPANY; GREAT AMERICAN INSURANCE :  
COMPANY; NATIONAL UNION FIRE INSURANCE :  
COMPANY OF PITTSBURGH, PA; UNITED STATES FIRE :  
INSURANCE COMPANY; ALLIED WORLD ASSURANCE :  
COMPANY (U.S.) INC. f/k/a COMMERCIAL UNDERWRITERS :

07-CV-6915 (DLC)

**NOTICE OF MOTION  
FOR ORDER  
ALLOWING COUNEL  
TO WITHDRAW**

INSURANCE COMPANY; ZURICH AMERICAN INSURANCE' :  
COMPANY d/b/a ZURICH INSURANCE COMPANY; OHIO :  
CASUALTY INSURANCE COMPANY d/b/a OHIO CASUALTY :  
GROUP; HARLEYSVILLE MUTUAL INSURANCE COMPANY :  
(a/k/a HARLEYSVILLE INSURANCE COMPANY); JOHN DOES :  
1-20 and XYZ CORPS. 1-20, :  
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Fourth-Party Defendants. :

PLEASE TAKE NOTICE that, upon the accompanying Declarations of Brett L. Warning, George J. Manos and David N. Larson, Fourth-Party Defendant Lumbermens Mutual Casualty Company ("LMC"), improperly sued as Kemper Casualty Insurance Company d/b/a Kemper Insurance Company, will move before the Court, particularly The Honorable Denise L. Cote, U.S.D.J., at the United States Courthouse, Southern District of New York, 500 Pearl Street, New York, New York, on the date and time to be determined by the Court, for an Order, pursuant to Local Civil Rule 1.4, U.S.D.C.S.D.N.Y. , allowing Brett L. Warning, George J. Manos and David N. Larson, all of the Chicago, Illinois law firm, Bollinger, Ruberry & Garvey, to withdraw as co-counsel for Fourth-Party Defendant LMC.

DATED: August 20, 2008

By: /s/ Michael S. Miller  
Michael S. Miller  
**TOMPKINS, McGUIRE,**  
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**DECLARATION OF SERVICE**

The undersigned hereby declares, under penalty of perjury, that on August 20, 2008, he caused a true copy of the foregoing Notice of Motion and the supporting Declarations of Brett L. Warning, George J. Manos and David N. Larson to be served via electronic filing upon counsel for the various parties as follows:

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DATED: August 20, 2008

/s/Michael S. Miller  
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